

Explaining FQPA

Here's a description of the Food Quality Protection Act and how it relates to you.

By LISA SHAHEEN

For months now, you may have been hearing about the Food Quality Protection Act (FQPA), risk cup and other terms that sound ominous, but you're not sure exactly what they're all about. Especially if you don't happen to be a legislative buff, you may pass by an editorial about regulations or tune out a speech about pertinent regulatory issues.

Now is the time to pay attention.

The FQPA is a 1996 law

that amended the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Federal Food, Drug and Cosmetic Act (FFDCA). It calls for very substantial revisions of the pesticide law, and paves a new way in which pesticides are regulated.

The problem is that every active ingredient has hundreds of applications, and this is where it gets complicated. For example, one active ingredient may be effective against roaches, but is also used for some lawn pests and agricultural uses. This isn't a problem when considering one application at a time, but the FQPA considers the sum total of risk associated with a given chemical, and combines all its potential uses. Risk is assessed in two ways: aggregate or cumulative.

1. Aggregate risk assessment—All the potential uses for a particular chemical are added together.



Without solid data the EPA may make inaccurate assessments of the safety of the products that we use to manage our clients' properties.

2. Cumulative risk assessment—Any risks associated with a given chemical, plus any chemical with a similar mode of action to the first chemical, must be added together to assess how risky it may be. For example, when assessing chlorpyrifos, the risk from other chemicals that aren't chlorpyrifos, but act the same way as chlorpyrifos have to be factored in to measure cumulative risk. For chlorpyrifos, this would include all other organophosphates, such as malathion and diazinon.

According to the FQPA, once the type of risk is defined, how much of that risk is allowable must be decided, and this is where the "risk cup" enters the picture. For each chemical or class of chemical, the United States Environmental Protection Agency (EPA) creates what's called a risk cup, which equals the total amount of al-

lowable risk exposure.

If all the potential risk for a given chemical, and the chemical similar to the first one are poured into a cup, and it "overflows," then it's at its breaking point. To lessen the risk and keep the cup from overflowing, the EPA deems action necessary.

There are three ways to reduce risk in the cup.

1. Eliminate Uses—A manufacturer may decide to get rid of all its indoor (structural) uses in order to continue the agricultural uses of the same active ingredient.

2. Risk Mitigation—To reduce risk associated with the use of a product, manufacturers might mandate unreasonable precautions, such as wearing head-to-toe protective equipment each time a product is handled. Of course, this is one way to reduce risk, but it's not very practical.

FQPA review

► **Risk Cup**—A measure of allowable risk for a given chemical.

► **Aggregate Risk Assessment**—All the potential uses for a particular chemical added together.

► **Cumulative Risk Assessment**—Any risks associated with a given chemical, plus any chemical with a similar mode of action to the first chemical, added together.

Three Ways to Reduce Risk:

1. Eliminate uses—Discontinue some uses for a given active ingredient.

2. Risk Mitigation—Enforce unreasonable safety precautions.

3. No new uses—Refrain from adding any additional uses.

3. No New Uses—Refraining from adding any additional risk keeps the risk cup from increasing.

Many active ingredients used for lawn care, agriculture or other uses are also used in other formulations for structural pest control. Ultimately, manufacturers have to decide whether they want to support a particular chemical or not. The question becomes, Is it cost-effective for them to support the use of an active ingredient in a small market like pest control, or continue its use in a bigger market like agriculture?

One of the main problems for lawn care operators (LCOs) and golf course superintendents is the execution of the FQPA,

and how the EPA is going about doing it. The agency may feel pressured to make fast decisions to meet various deadlines. The fear is that it will move forward without using any hard data on which to base its decisions. Instead, the EPA would use worst-case scenarios as a starting point to doing risk assessments.

In order to make sound decisions regarding the FQPA, the EPA needs to do risk assessments. To do risk assessments, it needs good data. If there isn't any good data, and instead it has to use worst-case scenarios, then it will get an unrealistic picture of what the risks truly are.

The Green Industry must demand that hard data and

Legislative time line

- 1938 Federal Food, Drug and Cosmetic Act (FFDCA)
- 1947 Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
- 1958 Delaney Clause Amendment to FFDCA
- 1996 Food Quality Protection Act (FQPA)
- 1998 Gore Memo, April 8, 1998
EPA Response Memo, April 10, 1998
- 1999 First Deadline, Organophosphates, Carbamates, B₂ Carcinogens (August)
- 2002 Second Deadline, Pyrethroids
- 2006 Final Deadlines= Remaining Less Toxic Pesticides

sound science are obtained by the EPA as part of its assessment process. As a result of previous lobbying efforts by various industries affected by the FQPA including agriculture and pest control, Vice President Al Gore issued a memo to

the EPA ordering the agency to revamp its review policy.

Lisa Shaheen is senior managing editor of Pest Control magazine.

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